



Office of Congressional and Intergovernmental Affairs

April 26, 2017

The Honorable Tammy Duckworth  
United States Senate  
Washington, DC 20510

Dear Senator Duckworth:

Thank you for your letter dated March 2, 2017, to Acting Administrator Timothy O. Horne regarding the U.S. General Services Administration's (GSA) policies governing the leasing of high-security space from foreign owners and the findings of the U.S. Government Accountability Office's (GAO) report entitled GSA Should Identify Foreign Owners of High-Security Leased Space and Inform Tenants (GAO-17-21SU). Your inquiry has been referred to me for response.

GSA reviewed this report, agrees with the recommendation, and has developed a comprehensive plan to address the recommendation. The enclosed corrective action plan and memorandum set forth the specific actions that GSA will take in response to the recommendation to satisfactorily remedy the concerns raised by GAO. Reports from GAO help GSA continuously improve its operations to better serve the American people.

An identical letter has been sent to your colleague Senator Daines. If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

(b) (6)

A large black rectangular redaction box covering the signature of the sender.

Saul Japson  
Acting Associate Administrator

Enclosures

1800 F Street, NW  
Washington, DC 20405-0002  
[www.gsa.gov](http://www.gsa.gov)



June 26, 2018

The Honorable Steve Daines  
Attn: Ms. Sophie Miller  
United States Senate  
Washington, DC 20510

Dear Senator Daines:

Thank you for the email from your office dated May 25, 2018, on behalf of the Native American Development Corporation (NADC), a contractor for the U.S. Department of Health and Human Services – Indian Health Services (IHS). Your office requested that the U.S. General Services Administration (GSA) update the status of NADC's request for a 13-passenger van.

GSA has determined that NADC is eligible to receive a GSA fleet vehicle. Once GSA has received the required documentation, GSA will provide NADC the vehicle.

Before granting NADC's request, GSA had to confirm the authority under which NADC was requesting the vehicle. Specifically, GSA had to determine whether NADC's request for the vehicle was as a contractor under Federal Acquisition Regulation (FAR)<sup>1</sup> subpart 51.2 or as a tribal organization under the Indian Self-Determination and Education Assistance Act.<sup>2</sup> GSA had several discussions with NADC in order to confirm the authority under which the request was being made.

Based on those discussions, GSA has verified that NADC is a contractor performing under an IHS contract entered into pursuant to the FAR. Therefore, GSA will authorize NADC's request as a contractor-use request in accordance with the applicable provisions of the FAR. GSA expects to finalize NADC's request once it has received proof of NADC's liability insurance<sup>3</sup> and a written statement<sup>4</sup> that NADC will assume the costs of the vehicle without right of reimbursement from the Government. GSA is working with IHS to obtain both documents.

If you have any additional questions or concerns, please contact me at (202) 501-0563.

Sincerely,

(b) (6)

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Saul Japson  
Acting Associate Administrator

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<sup>1</sup> FAR 51-2

<sup>2</sup> Pub. L. 103-413 (the Indian Self Determination Act Amendments of 1994)

<sup>3</sup> FAR 51.202(a)(2)

<sup>4</sup> FAR 51.202(a)(5)

# United States Senate

RECEIVED  
SEP 28 2015

COMMITTEES  
APPROPRIATIONS  
COMMERCE, SCIENCE AND  
TRANSPORTATION  
ENERGY AND NATURAL  
RESOURCES  
INDIAN AFFAIRS

Due to the provisions of the Privacy Act of 1974, (Title 5, Section 552A of the U.S. Code), permission in writing is required before making an inquiry on your behalf. Completing and signing this form authorizes U.S. Senator Steve Daines and those acting on his behalf to make inquiries to the appropriate federal agency on your behalf. Your signature also gives U.S. Senator Steve Daines and those acting on his behalf permission to send a copy of this form and any attached letters or supporting documentation to the appropriate federal agency. Then return this form to:

U.S. Senator Steve Daines  
Attn: Constituent Services  
222 North 32nd St, Suite 100  
Billings, MT 59101

PH: (406) 245-6822  
FAX: (406) 245-1607

(b) (6) (b) (6) (b) (6)  
Your Name – Please Print Date of Birth Country of Birth

(b) (6)  
Street Address or Post Office Box Apt/Suite Number  
(b) (6)  
City County State Zip Code

(b) (6) same no service  
Home Phone Work Phone Cell Phone

(b) (6)  
Social Security Number File/Case Number (if applicable)

(b) (6) 9-28-15 (b) (6)  
Signature\* (Required) Date Email

Please list, if any, family members with whom my office may discuss your case?

(b) (6)

Please list the *Federal Agency* involved: GSA

Explain your situation with the above Federal Agency. Use the back side if necessary:

We own a office building in Shelby Mt.  
that FBI rents from us, GSA is the one  
paying the rent they are still paying  
former land lord the City of Shelby. Have  
be trying for 5 months to get it changed.  
check should be direct deposit with SAM

On Tue, Aug 18, 2015 at 8:33 AM, Ashley Horstman - 8PRA <ashley.horstman@gsa.gov> wrote:

Hello (b) (6)

We understand there is an issue with rent being paid to the correct owner of the building. I'd like to get a little more information as I will be the main point of contact from this point forward.

Have all the necessary documents been provided to GSA to process the change of ownership? Until the documents are provided and the lease is amended, the rent will continue going to the previous owner of the building.

Please let me know if there are any questions, or any additional information I can provide.  
Thanks

Ashley Horstman  
303-253-4203

----- Forwarded message -----

From: Michael Gawell - 8PSMW <mike.gawell@gsa.gov>

Date: Mon, Jun 1, 2015 at 12:30 PM

Subject: Sale of FBI Building requirements

To: (b) (6)

Cc: Larry Bonderud <larry@shelbymt.com>, Catharine Green - 8PSMW <elatha.green@gsa.gov>

All

These are the laws, processes, and requirements that shall be required prior to the US Government through GSA recognizing the sale of the FBI Building in Shelby, MT.

If you have any questions, please contact Ms. Elatha Green. she shall be the lady that will gather the information and process the novation and supplemental lease agreement.

Sincerely,

Michael A. Gawell  
Contracting Officer  
GSA

303-236-2537

**Subpart 42.12-Novation and Change-of-Name Agreements**

# United States Senate

WASHINGTON, DC 20510

March 2, 2017

The Honorable Timothy O. Horne  
Acting Administrator  
General Services Administration  
1800 F Street, NW  
Washington, D.C. 20405

Dear Administrator Horne:

We write to request information regarding General Services Administration's (GSA) policies and procedures governing the leasing of high security space from foreign owners. GAO recently released a report that revealed GSA is leasing high-security space from foreign owners in 20 buildings.<sup>1</sup> Federal agencies that occupy these buildings may not even be aware that they are occupying a foreign building. Yet, in some cases the space is used for classified operations and to store sensitive data. GAO determined that the space in question is owned by companies based in countries such as Canada, China, Israel, Japan, and South Korea. Further, the report revealed that GSA lacks complete information regarding foreign-owned leased space including beneficial owner information (which GAO defined as the person who ultimately owns and controls a company).

The report noted that leasing space in foreign-owned buildings can present security risks including unauthorized cyber access. GAO ultimately concluded that GSA's incomplete information and lack of policies and procedures regarding foreign ownership of high-security leased space may undermine facility security and leave facilities vulnerable to security breaches including cyber intrusions.

Federal agencies are among the top targets for cyber criminals, with many agencies experiencing thousands of attempted attacks daily. Agencies must have the information necessary to assess and address the risks to their high-security facilities, including cybersecurity vulnerabilities that exist in foreign-owned buildings.

Given the highly sensitive information that is often stored at high-security leased sites, we are concerned with the lack of policies and procedures concerning the ownership of these sites. In an effort to better understand potential reforms to remedy this issue, we respectfully request the following information:

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<sup>1</sup>GAO, *Federal Real Property: GSA Should Inform Tenant Agencies When Leasing High-Security Space From Foreign Owners*, GAO-17-195 (Washington, D.C.: January 3, 2017).

1. In addition to existing requirements such as the System for Award Management's collection of information regarding immediate and highest level ownership, as well as the collection of Tax Identification and DUNS numbers, what efforts has GSA made to ensure a complete account of foreign owned high-security leased space?

2. GSA is not required to consider beneficial ownership information and therefore does not know the identity of the beneficial owners of the buildings it leases. Will GSA implement new procedures to determine beneficial ownership before leasing high-security space? If so, through what procedures? Would GSA require additional authority to request this information from foreign owners leasing high-security space?

3. How will GSA notify tenants that their leased space is foreign owned? What policies and procedures does GSA plan to implement to provide tenants occupying foreign-owned space with the information necessary to perform facility risk assessments?

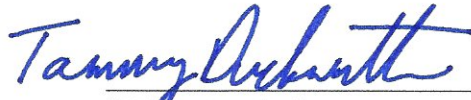
We request you provide this information no later than March 31, 2017. Thank you for your assistance.

Sincerely,



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STEVE DAINES  
United States Senator



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TAMMY DUCKWORTH  
United States Senator



Maury Mungin - PG-C &lt;maury.mungin@gsa.gov&gt;

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**Fwd: Van for urban Indian health program in Montana**

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**Erin Mewhirter - S** <erin.mewhirter@gsa.gov>

Fri, May 25, 2018 at 3:17 PM

To: Executive Secretariat &lt;executive-secretariat@gsa.gov&gt;

Cc: Larnell Exum - S &lt;larnell.exum@gsa.gov&gt;, Antoinette Reaves &lt;toni.reaves@gsa.gov&gt;, LaVerne Jordan &lt;laverne.jordan@gsa.gov&gt;, Brenda Short &lt;brendaa.short@gsa.gov&gt;

ExecSec - please control to FAS for Saul Japson's signature. Thanks. Erin

----- Forwarded message -----

From: **Miller, Sophie (Daines)** <Sophie\_Miller@daines.senate.gov>

Date: Fri, May 25, 2018 at 3:04 PM

Subject: RE: Van for urban Indian health program in Montana

To: Erin Mewhirter - S &lt;erin.mewhirter@gsa.gov&gt;

Cc: "gsacongressionalaffairs@gsa.gov" &lt;gsacongressionalaffairs@gsa.gov&gt;, "Tracy, June (IHS/HQ)" &lt;June.Tracy@ihs.gov&gt;

I don't have the contract per se but attached are the documents I do have.

Thank you.

-Sophie

**From:** Erin Mewhirter - S <erin.mewhirter@gsa.gov>**Sent:** Friday, May 25, 2018 3:00 PM**To:** Miller, Sophie (Daines) <Sophie\_Miller@daines.senate.gov>**Cc:** gsacongressionalaffairs@gsa.gov; Tracy, June (IHS/HQ) <June.Tracy@ihs.gov>**Subject:** Re: Van for urban Indian health program in Montana

Thank you, Sophie. Would you happen to have the contract you could email to us?

On Fri, May 25, 2018 at 2:27 PM, Miller, Sophie (Daines) &lt;Sophie\_Miller@daines.senate.gov&gt; wrote:

Looping in the correct email address for GSA, for some reason the congressional affairs email address autocorrected itself to Lisa's before.

Thank you.

-Sophie

**From:** Miller, Sophie (Daines)  
**Sent:** Friday, May 25, 2018 2:16 PM  
**To:** 'lisa.austin@gsa.gov' <lisa.austin@gsa.gov>; 'Tracy, June (IHS/HQ)' <June.Tracy@ihs.gov>  
**Subject:** Van for urban Indian health program in Montana

Hello Lisa,

I understand the Native American Development Corporation, who holds the contract for the urban Indian health clinic, is guaranteed a 13-passenger van as part of their contract.

I understand they've been waiting about four months since applying for it.

Would you be able to provide an update as to where that application stands and when they might be able to expect it turned around?

Thank you.

-Sophie

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Sophie Miller  
Legislative Assistant  
U.S. Senator Steve Daines (MT)  
202.224.2651 (o)  
[www.daines.senate.gov](http://www.daines.senate.gov)

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Erin Mewhirter  
Director of Congressional Operations  
Office of Congressional and Intergovernmental Affairs  
U.S. General Services Administration

[www.gsa.gov](http://www.gsa.gov)

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Erin Mewhirter  
Director of Congressional Operations  
Office of Congressional and Intergovernmental Affairs  
U.S. General Services Administration

[www.gsa.gov](http://www.gsa.gov)

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**3 attachments**



**NADC IHC Contract Award SF26 2018.pdf**

710K



**NADC IHS Ltr for Fleet Acquisition Services 2-15-2018.pdf**

431K



**NADC IHS Ltr for gsa schedules 2-15-2018.pdf**

794K